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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/690,437	10/18/2000	Michel K. Susai	1763.0110000	3741

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EXAMINER
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PHAN, TAM T

ART UNIT	PAPER NUMBER
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2144

DATE MAILED: 08/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/690,437

Applicant(s)

SUSAI ET AL.

Examiner

Tam (Jenny) Phan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2005.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-8 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 18 October 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 6/20/2005.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_

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### **DETAILED ACTION**

1. This application has been examined. Amendment received on 06/20/2005 has been entered. Claims 1-8 are previously presented.
2. Claims 1-8 are presented for examination.

#### ***Priority***

3. No priority claims have been made.
4. The effective filing date for the subject matter defined in the pending claims in this application is 10/18/2000.

#### ***Information Disclosure Statement***

5. An initialed and dated copy of Applicant's IDS form 1449, Received on 06/20/2005, is attached to the instant Office action.

#### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

7. Claims 1-2 and 5-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Roberts et al. (U.S. Patent Number 6,295,551), hereinafter referred to as Roberts.
8. Regarding claim 1, Roberts disclosed an apparatus comprising: means for opening a first connection between a first client [User Computer 12] and an interface unit [Network 16] (Figures 1 and 6); means for opening a second connection between said interface unit and a server if no free connection is open between said interface unit

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and said server (Figures 1 and 6); means for allowing said first client to access information on said server via said second connection; means for opening a third connection between a second client [Second Computer 24] and said interface unit (Figure 1 and 6); and means for allowing said second client to access information on said server via said second connection without waiting for said first client to disconnect (Figure 6, column 3 lines 31-57, column 7 lines 24-62, column 9 lines 25-38, column 10 lines 19-36, column 15 lines 7-20).

9. Regarding claim 2, Roberts disclosed an apparatus further comprising: means for delinking said first connection and said third connection while keeping open said second connection (Figure 5, column 5 line 62-column 6 line 8, column 7 lines 35-62, column 19 lines 7-17).

10. Regarding claims 5-6, the method corresponds directly to the apparatus of claims 1-2, thus these claims are rejected using the same rationale.

11. Since all the limitations of the claimed invention were disclosed by Roberts, claims 1-2 and 5-6 are rejected.

### ***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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13. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parsons, Jr. et al. (U.S. Patent Number 6,085,247), hereinafter referred to as Parson, in view of Rowe et al. (U.S. Patent No. 5,964,836), hereinafter referred to as Rowe.

14. Regarding claim 1, Parson disclosed an apparatus comprising means for opening a first connection between a first client and an interface unit (Abstract, Figure 1, column 3 lines 7-41); means for opening a second connection between said interface unit and a server if no free connection is open between said interface unit and said server (Figures 1 and 7, column 6 line 55-column 7 line 17); means for allowing said first client to access information on said server via said second connection (column 3 lines 7-41, column 10 lines 29-58, column 12 lines 33-53); means for opening a third connection between a second and said interface unit (column 7 lines 10-17, column 10 lines 29-58, column 12 lines 33-53); and means for allowing said second client to access information on said server via said second connection (column 3 lines 7-41, column 10 lines 29-58, column 12 lines 33-53).

15. Parson taught the invention substantially as claimed. However, Parson did not expressly teach means for allowing said second client to access information on said server via said second connection *without waiting for said first client to disconnect*.

16. Rowe disclosed an apparatus having means for allowing client to access information on said server via said second connection without waiting for other client to disconnect (column 5 lines 15-43).

17. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the method apparatus of Parsons with the teachings of

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Rowe to include means for allowing client to access information on said server via said second connection without waiting for other client to disconnect in order to provide persistent session between a first client and the server while allowing the second client to access the information from the server (Rowe, column 5 lines 24-33).

18. Regarding claim 2, Parsons disclosed an apparatus further comprising means for delinking said first connection and said third connection while keeping open said second connection (column 3 lines 8-13, column 7 lines 1-17).

19. Regarding claim 3, Parsons disclosed an apparatus wherein said means for allowing said second client to access information on said server via said second connection is comprised of means for utilizing a content length parameter to determine whether all of said information has been sent to said first client (column 10 lines 30-58, column 12 lines 33-53).

20. Regarding claim 4, Parsons disclosed an apparatus wherein said means for allowing said second client to access information on said server via said second connection is comprised of means for utilizing two or more chunk-size fields to determine whether all of said information has been sent to said first client (column 10 lines 30-58, column 12 lines 33-53).

21. Regarding claims 5-8, the method corresponds directly to the apparatus of claims 1-4, thus these claims are rejected using the same rationale.

22. Since all the limitations of the claimed invention were disclosed by the combination of Parsons and Rowe, claims 1-8 are rejected.

### ***Response to Arguments***

23. Applicant's arguments filed 06/20/2005 have been fully considered but they are not persuasive.

24. In respond to applicant's argument that Roberts failed to disclose "an interface unit" and "establishing a second connection between an interface unit and a server", the Examiner respectfully disagrees. According to the instant specification, an interface unit is defined as: "an interface unit is an intelligent network interface card with a CPU inside a server. An interface unit can also be an intelligent box sitting outside the server, in which case it can serve more than one server. Interface unit 202 can also be a load balancer, bandwidth manager, firewall, router, switch, computer system, or any other network device that is located between a client and server" (page 6 lines 13-19).

Figures 1 and 6 that are taught in Roberts are shown below:

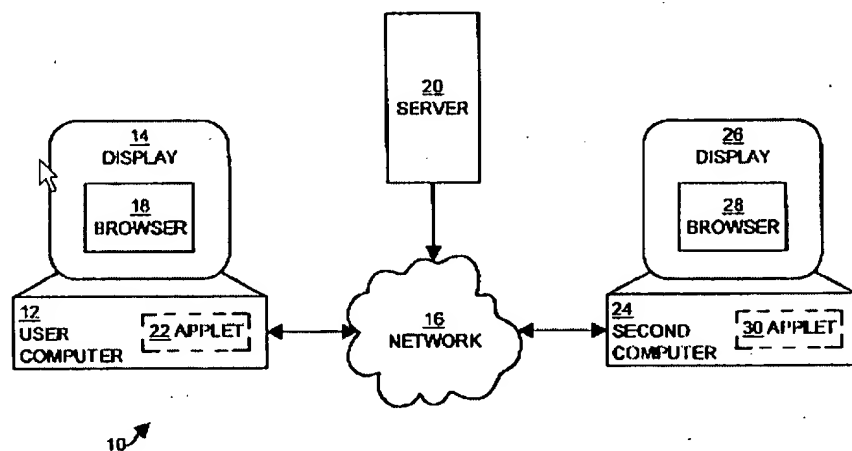


FIG. 1

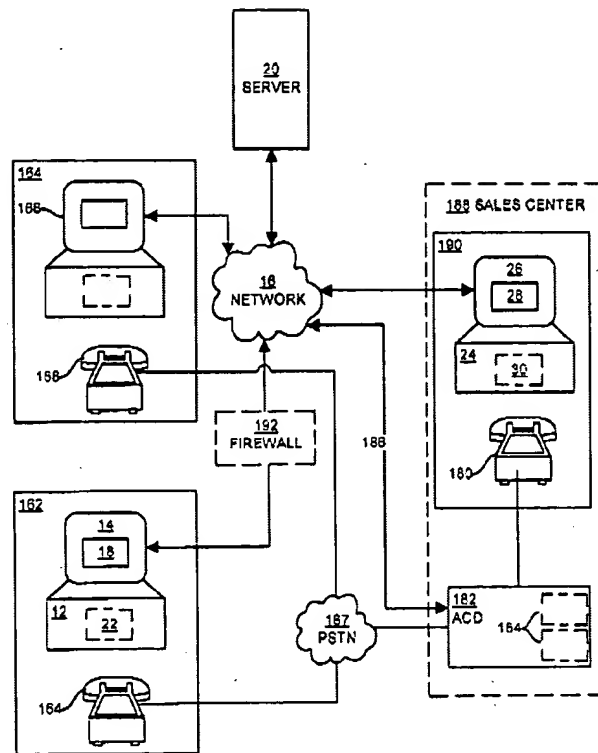


FIG. 6

25. According to applicant's definition of "an interface unit", it should be obvious to one of ordinary skill in the art that network 16 is the interface unit as claimed. In Figure 1, it should be obvious that there is a connection between the first client and the network and there is a second connection between the network and the server. When the second client connects to the network, the second is able to access the server using the already existed connection between the network and the server. In Figure 6, it should be more apparent that the first, second, and third clients are able to access the server using the connection between the network and the interface without waiting for any of the clients to disconnect the connection between the client and the network.



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26. In response to applicant's argument that Parson does not teach "an interface unit", in view of the instant specification as discussed above, the network 26 (See Figure 1) disclosed by Parson is equivalent to the interface unit as claimed in the independent claims. In response to applicant's argument that Rowe does not allow a second client to access information on the server via a second connection without waiting for the first client to disconnect. It is submitted that Rowe disclosed "The terminal emulation information is processed at the remote computer to conduct a persistent session between the remote computer and a host-based application, i.e., a session which persists when the remote computer accesses another resource location (or reloads the host access resource location). In this manner, a platform-independent solution is provided which does not required a mediating server in the session and which allows a user to navigate among resource locations without requiring termination of the session" (column 5 lines 24-33). Thus, Rowe taught persistent session which allows users to access information without requiring termination of the session.

27. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "establishing a connection without waiting for a first client to disconnect") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

28. As the rejection reads, Examiner asserts that the combination of these teachings render the claimed invention obvious.

***Conclusion***

29. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

30. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Refer to the enclosed PTO-892 for details.

31. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tam (Jenny) Phan whose telephone number is (571) 272-3930. The examiner can normally be reached on M-F 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MARC D. THOMPSON  
*MARC THOMPSON*  
PRIMARY EXAMINER

Tam T. Phan  
August 13, 2005

*tp*